

TITLE 62: MINING
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1850
TRAINING, EXAMINATION AND CERTIFICATION OF BLASTERS

Section

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AUTHORITY: Implementing and authorized by Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.; and 30 CFR 816, 817 and 850) and the Surface Coal Mining Land Conservation and Reclamation Act, [225 ILCS 720].

SOURCE: Adopted at 10 Ill. Reg. 3018, effective March 15, 1986; amended at 20 Ill. Reg. 2151, effective January 19, 1996; amended at 22 Ill. Reg. 20290, effective November 5, 1998.

Section 1850.5 Definition

The following term has the specified meaning:

"Blaster" means a person directly responsible for blasting operations in surface coal mining operations who is certified under this Part.

Section 1850.12 Applicability

Twelve months following the approval of this part by the Office of Surface Mining pursuant to applicable federal regulations adopted under the Federal Surface Mining Control and Reclamation Act, 30 U.S.C. 1201, et seq. (1982), or twelve months following the effective date of this Part, whichever occurs later, each person directly responsible for blasting operations in surface coal mining operations shall be required to be a blaster as defined in this Part.

Section 1850.13 Training

- a) Training required herein, for those persons not previously trained in the subjects required herein, shall be conducted by the Department, the operator or his representative. The operator's representative may include, but is not limited to

junior colleges, consultants, and explosives manufacturers. The training must meet the requirements of this Section.

- b) The training for blasters certification shall include instruction in:
- 1) The design and layout of blasts, including geology, topography and the proper use of delays.
 - 2) Control of ground vibration.
 - 3) Control of flyrock and air blast.
 - 4) Design and loading of boreholes.
 - 5) Priming and boosting.
 - 6) Tamping and stemming, including methods and materials.
 - 7) Blast initiation systems.
 - 8) The use of blasting machines.
 - 9) The use of circuit testing equipment.
 - 10) The general properties of explosives, including blasting agents, and selection criteria.
 - 11) Ground vibration, air blast and monitoring.
 - 12) The use of ground vibration and air blast records as blast design factors.
 - 13) The need for accurate reports and blasting logs and their proper preparation.
 - 14) Current Illinois and Federal laws and regulations pertaining to blasting at the minesite, including 62 Ill. Adm. Code 1780.13, 1816.11(f), 1816.61 to 1816.68, 1817.61 to 1817.68; this Part; 62 Ill. Adm. Code 220.130; the Illinois Explosives Act [225 ILCS 210]; 30 CFR 816.61 to 816.68, (48 Fed. Reg. 9806-9807, 9492, 9809, 44780 (1983), 817.61 to 817.68, 48 Fed. Reg. 9809-9811, 9492, 44781 (1983), 30 CFR 850, 48 Fed. Reg. 9492 (1983); 30 CFR 56.6000--56.6250, 50 Fed. Reg. 5040 (1985), 30 CFR 57.6000--57.6250, 50 Fed. Reg. 4082 (1985), 36 Fed. Reg. 9634 (1971); 43 Fed. Reg. 12320 (1978).

- 15) Planning for unpredictable blasting hazards to the public and mine personnel. Illustrative examples are adverse weather, stray electrical currents, flyrock, radio frequency energy, and misfires.
 - 16) Signs, warning signals and control of the potential flyrock area.
 - 17) Blasting plan requirements.
 - 18) Pre-blast and condition surveys and their use in blast design.
 - 19) Required blasting notices.
 - 20) Training and certification requirements.
 - 21) Handling, transportation and storage of explosives.
 - 22) New technology as it develops and is implemented in the field. The Department shall advise operators of new technology which should be included in future training programs.
- c) The blaster shall provide direction and on-the-job training to all non-certified blasting personnel under his supervision.

(Source: Amended at 22 Ill. Reg. 20290, effective November 5, 1998)

Section 1850.14 Examination

- a) Written examinations for blaster certification shall be administered on dates and times and at locations announced by the Department via direct communication with operators and individuals who request in writing to be so notified. All persons scheduled for a regular examination session will be so notified at least one week prior to the scheduled exam date.
- b) Reexaminations shall be scheduled, if needed, for those persons who do not pass the regularly scheduled examination. The Department shall also allow for examination at this time those persons who have newly applied for certification. All persons scheduled for examination or reexamination during the reexamination session will be so notified at least one week prior to the scheduled reexamination session.
- c) If the applicant cannot attend the examination or reexamination session for which he or she is scheduled, the applicant shall so inform the Department at least one (1) day in advance of the examination date. Failure to do so will result in the

application being rejected, and the applicant having to reapply for certification. Any person who cannot attend such a session and who informs the Department in accordance with this Section will be scheduled for the next examination or reexamination session.

- d) Applicants for blaster certification shall be examined in the topics set forth in Section 1850.13(b).

(Source: Amended at 22 Ill. Reg. 20290, effective November 5, 1998)

Section 1850.15 Application and Certification

- a) Each applicant shall submit a completed application for certification on forms supplied by the Department. Any applicant whose completed application has been received, reviewed and accepted by the Department prior to a regularly scheduled examination session shall be scheduled for that session. The following documents shall be included with the completed application form:
 - 1) A notarized statement from the applicant's employer or other person, including, but not limited to a certified blaster or fellow employee, having personal knowledge of the applicant's blasting experience, and affirming that the applicant has had at least two years' blasting experience.
 - 2) Proof that the applicant has successfully completed a blaster training course or courses that cover the material listed in Section 1850.13(b).
- b) The Department shall review each application, including required documents, for completeness and the accuracy of the statements contained in the application and required documents. The Department's acceptance of an application shall be based on the applicant's compliance with the requirements of this Part.
- c) Each applicant shall be required to pass a written examination established by the Department. The examination shall be based on the requirements of Section 1850.13(b). The minimum passing score shall be 70% correct answers. The Department retains the sole right to determine whether any or all responses to examination questions are correct.
- d) Any applicant whose application is denied shall be so informed in writing, within 30 days after the date the applicant is found to be not qualified. Reason(s) for such denial shall be included with the notification. Each applicant who meets the requirements of subsection (a) above and who passes the examination required in subsection (b) above shall be issued a blaster certificate as soon as practicable thereafter, but not more than 45 days after the examination date. Any applicant

who meets the requirements of Section 1850.15(a), but who does not pass the examination, shall be so notified within 15 days after the examination date. That person may, upon written request, review his or her examination at the Department's Springfield office. Such request must be made and the review completed not less than ten days prior to the reexamination date for which the applicant is scheduled. The review must be done during the Department's regular business hours. Any person who does not pass the examination shall be scheduled for the next reexamination session, pursuant to Section 1850.14(b).

- e) An employed blaster shall have readily available for inspection his or her certificate at the mine site.
- f) A temporary blaster certificate will be issued to any individual who applies to the Department for such certification and who provides a photocopy of his or her valid blaster certificate issued in another state with an Office of Surface Mining approved certification program, or the name of the state where the certificate was issued and the certificate number. The period of the temporary blaster certificate shall not exceed six months from the date of issuance. Such a temporary certificate shall be issued only once to any individual in any continuous five year period.
- g) Each certificate shall be valid for five years from the date of issuance. Recertification following expiration shall be in accordance with the application, examination, and certification requirements of this Part.
- h) Blaster certification shall not be assigned or transferred.
- i) Blasters shall not delegate their responsibility to any individual who is not a certified blaster.
- j) The blaster shall take reasonable precaution to protect his or her certificate from loss, theft or unauthorized duplication. Such loss, theft or duplication shall be reported to the Department without delay.

(Source: Amended at 22 Ill. Reg. 20290, effective November 5, 1998)

Section 1850.16 Denial, Issuance of Notice of Infraction, Suspension, Revocation, and other Administrative Actions

- a) The Department shall deny an application for, or revoke or suspend a certificate under the provisions of this Section if the Department finds that the applicant or certificant is, or was at the time of application or issuance, a person convicted of a felony under the laws of this or any other jurisdiction within the prior five years,

or who has been a patient in a mental institution within the prior five years. The Department, when determining whether to revoke or suspend and when determining the length of a suspension, shall in addition to other factors, consider the nature of the felony of which the applicant was convicted, or the condition for which the applicant was confined to a mental institution, as well as the length of time since the conviction or confinement.

b) Notice of Infraction

- 1) The Department shall, when in the best interest of protecting public safety and public and private property, issue to the blaster a written notice of infraction, requiring remedial action, when, on the basis of any inspection, the Department determines that the blaster has committed any of the following infractions:
 - A) Noncompliance with Section 3.13 of the State Act [225 ILCS 720/3.13], 62 Ill. Adm. Code 1780.13, 1816.11(f), 1816.61 to 1816.68, 1817.61 to 1817.68, this Part, 62 Ill. Adm. Code 220.130, the Illinois Explosives Act [225 ILCS 210], 30 CFR 816.61 to 816.68, 48 Fed. Reg. 9806-9807, 9492, 9809, 44780 (1983), 30 CFR 817.61 to 817.68, 48 Fed. Reg. 9809-9811, 9492, 44781 (1983), 30 CFR 850, 48 Fed. Reg. 9492 (1983), 30 CFR 56.6000--56.6250, 50 Fed. Reg. 5040 (1985), 30 CFR 57.6000--57.6250, 50 Fed. Reg. 4082 (1985), 36 Fed. Reg. 9634 (1971) or 43 Fed. Reg. 12320 (1978).
 - B) Providing false information or a misrepresentation to obtain certification.
 - C) Unlawful use in the workplace of or current addiction to alcohol, narcotics, or other dangerous drugs.
 - D) Noncompliance with any lawful order issued under the authority of the Surface Mining Control and Reclamation Act (30 U.S.C. 1201 et seq.), Section 3.13 of the State Act, 62 Ill. Adm. Code 1780.13, 1816.11(f), 1816.61 to 1816.68, 1817.61 to 1817.68, 1840.2, 1840.12 or this Part.
- 2) The maximum time allowed to abate the infraction by completing the remedial action shall be stated in the notice and shall include consideration of the nature of the infraction, as well as the availability of resources to complete the abatement. Remedial action may include, but need not be limited to, a requirement to receive additional training or undergo

reexamination to demonstrate competence. A copy of such notice shall be forwarded to the blaster's employer. Any such notice may be terminated when the remedial action has been completed, modified to correct deficiencies or errors or make other changes in the notice or to change the required abatement date, or vacated if the infraction did not occur or occurred as the result of sabotage by persons other than the blaster.

- 3) The blaster may file a request for review with the Department, and if desired, a hearing within 30 days after the receipt of the notice of infraction. If a hearing is requested, the hearing shall be conducted in accordance with 62 Ill. Adm. Code 1847.4(e) and (g) through (p) and shall be held at one of the Department's offices. The Department shall give at least five days notice of the date, time and location of the hearing to the blaster, his or her employer, the Director, Office of Surface Mining, and any person who filed a report which led to the notice that was issued.
- 4) The filing of a request for hearing shall not act as a stay of the remedial actions required as part of the notice of infraction.

c) Notice to Show Cause

- 1) The Department, upon a finding of a willful commission of an infraction by the blaster, shall issue to the blaster a written notice to show cause why his certification should not be suspended or revoked for a specified period (not to exceed the term of the certificate).
- 2) The blaster shall have 21 days from the receipt date of the notice or other time period necessary for adequate response as may be set out in the notice, in which to file an answer and request a hearing. If the blaster files an answer to the show cause order and requests a hearing, a hearing shall be provided and conducted in accordance with 62 Ill. Adm. Code 1847.4(e) and (g) through (p). The Department shall give 30 days written notice of the date, time and location of the hearing to the Director, Office of Surface Mining, the blaster, and the blaster's employer, and any person who filed a report which led to the order that was issued.
- 3) If the Department determines that the infraction resulting from the willful act on the part of the blaster creates an imminent danger to the health or safety of the public or imminent damage to public or private property, the Department shall immediately issue a temporary suspension of the blaster's certificate. The temporary suspension shall be in writing, and shall, with reasonable specificity, set forth the nature of the infraction and the imminent danger or damage incurred or about to be incurred. Such

suspension shall be subject to a hearing to be provided not less than 15 days after the blaster's receipt of the temporary suspension. The hearing shall determine whether the suspension shall be continued, terminated or whether the certificate shall be revoked. Temporary suspension issued under the authority of this Subsection shall not exceed 15 days. The hearing shall be conducted in accordance with 62 Ill. Adm. Code 1847.4(e) and (g) through (p) and shall be held at one of the Department's offices.

- 4) Upon written notice of revocation, including the findings upon which the notice is based, the blaster shall without delay surrender the revoked certificate to the Department.

(Source: Amended at 22 Ill. Reg. 20290, effective November 5, 1998)

Section 1850.17 Judicial Review (Repealed)

(Source: Repealed at 20 Ill. Reg. 2151, effective January 19, 1996)